

AMENDED IN SENATE JULY 2, 2001  
AMENDED IN ASSEMBLY MAY 1, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1249**

**Introduced by Assembly Members ~~Daucher and Cardenas~~  
Member Daucher**

*(Principal coauthor: Senator Ackerman)*

February 23, 2001

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An act to amend, ~~repeal, and add Section 3010 of the Elections Code,~~  
~~relating to absentee voting.~~ *Section 1202 of the Public Utilities Code,*  
*relating to public utilities.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1249, as amended, Daucher. ~~Absentee voting: identification envelopes: postage~~ *Railroad crossings: pilot projects.*

*Existing law requires that an audible warning device be sounded from a locomotive engine at least 1,320 feet before the intersection of the railroad and a street, road, or highway, with certain exceptions. Existing law imposes a civil fine on a railroad corporation that violates this provision and makes it a misdemeanor for a person in charge of a locomotive engine to fail to sound the warning. Existing law authorizes the commission to authorize on an application by application basis, and supervise, the operation of pilot projects to evaluate proposed crossing warning devices or new technology, and states the intent of the Legislature that the commission may authorize pilot projects to test the utility and safety of stationary, automated audible warning devices in the communities of Roseville and Lathrop.*

*This bill would also authorize the commission to authorize pilot projects to evaluate other additional safety measures. The bill would modify the statement of legislative intent to include pilot projects to test the utility and safety of stationary, automated audible warning devices in additional specified communities and in any other location determined to be suitable by the commission, and to authorize supplementary safety measures, as defined, for use on rail crossings in the City of Placentia.*

~~Under existing law, an absentee voter pays the postage to return his or her absentee ballot to the county elections officials.~~

~~This bill would require county elections officials, for a 5-year period, to provide absentee voters with all supplies necessary for the use and return of the ballot, including a postage-paid return envelope.~~

~~This bill would require county elections officials, by January 1, 2005, to report to the Secretary of State as to the impact, if any, that paid postage on identification envelopes has on absentee voting. The Secretary of State would be required, by January 1, 2006, to report these findings to the Legislature.~~

~~By requiring local elections officials to keep track of postage charges and submit them to the Secretary of State for reimbursement, this bill would increase the duties of local elections officials and impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: *yes no*.

*The people of the State of California do enact as follows:*

1     SECTION 1. ~~Section 3010 of the Elections Code is amended~~  
2

1     SECTION 1. *Section 1202 of the Public Utilities Code is*  
2     *amended to read:*

3     1202. The commission has the exclusive power:

4     (a) To determine and prescribe the manner, including the  
5     particular point of crossing, and the terms of installation,  
6     operation, maintenance, use, and protection of each crossing of  
7     one railroad by another railroad or street railroad, and of a street  
8     railroad by a railroad, and of each crossing of a public or publicly  
9     used road or highway by a railroad or street railroad, and of a street  
10    by a railroad or of a railroad by a street.

11    (b) To alter, relocate, or abolish by physical closing any  
12    crossing set forth in subdivision (a).

13    (c) To require, where in its judgment it would be practicable,  
14    a separation of grades at any crossing established and to prescribe  
15    the terms upon which the separation shall be made and the  
16    proportions in which the expense of the construction, alteration,  
17    relocation, or abolition of crossings or the separation of grades  
18    shall be divided between the railroad or street railroad  
19    corporations affected or between these corporations and the state,  
20    county, city, or other political subdivision affected.

21    (d) (1) To authorize on an application-by-application basis  
22    and supervise the operation of pilot projects to evaluate proposed  
23    crossing warning devices, ~~or~~ new technology, *or other additional*  
24    *safety measures* at designated crossings, with the consent of the  
25    local jurisdiction, the affected railroad, and other interested  
26    parties, including, but not limited to, represented railroad  
27    employees.

28    (2) ~~(A)~~ The Legislature finds and declares that for the  
29    communities of the state that are traversed by railroads, there is a  
30    growing need to mitigate train horn noise without compromising  
31    the safety of the public. Therefore, it is the intent of the Legislature  
32    that the commission may authorize *both of the following* pilot  
33    projects, after an application is filed and approved by the  
34    commission ~~in at least the communities of Roseville and Lathrop~~  
35    *to:*

36    (A) *To test the utility and safety of stationary, automated*  
37    *audible warning devices as an alternative to trains having to sound*  
38    *their horns as they approach highway-rail crossings in the*  
39    *communities of Roseville, Fremont, Newark, and Lathrop, and in*  
40    *any other location determined to be suitable by the commission.*

(B) *To authorize supplementary safety measures, as defined in Section 20153(a)(3) of Title 49 of the United States Code, for use on rail crossings in the City of Placentia.*

(3) In light of the pending proposed ruling by the Federal Railroad Administration on the use of locomotive horns at all highway-rail crossings across the nation, it would be in the best interest of the state for the commission to expedite the pilot projects *authorized under paragraph (2)* in order to contribute data to the federal rulemaking process regarding the possible inclusion of stationary, automated warning devices as a safety measure option to the proposed federal rule.

~~to read:~~

~~3010. — (a) The elections official shall deliver to each qualified applicant:~~

~~(1) The ballot for the precinct in which he or she resides. In primary elections this shall also be accompanied by the ballot for the central committee of the party with which the voter is affiliated, if any.~~

~~(2) All supplies necessary for the use and return of the ballot, including, but not limited to, a postage-paid return envelope for the voter to return the ballot.~~

~~(b) Each county elections official shall report, no later than January 1, 2005, to the Secretary of State as to the impact, if any, that paid postage on identification envelopes has on absentee voting. The Secretary of State shall report these findings to the Legislature no later than January 1, 2006.~~

~~(c) An officer of this state may not charge for services rendered to any voter under this chapter.~~

~~(d) This section shall remain in effect only until December 31, 2006, and as of that date is repealed, unless a later enacted statute deletes or extends that date.~~

~~SEC. 2. — Section 3010 is added to the Elections Code, to read:~~

~~3010. — (a) The elections official shall deliver to each qualified applicant:~~

~~(1) The ballot for the precinct in which he or she resides. In primary elections this shall also be accompanied by the ballot for the central committee of the party with which the voter is affiliated, if any.~~

~~(2) All supplies necessary for the use and return of the ballot.~~

1 ~~(b) An officer of this state may not charge for services rendered~~  
2 ~~to any voter under this chapter.~~

3 ~~(c) This section shall become operative on January 1, 2007.~~

4 ~~SEC. 3. Notwithstanding Section 17610 of the Government~~  
5 ~~Code, if the Commission on State Mandates determines that this~~  
6 ~~act contains costs mandated by the state, reimbursement to local~~  
7 ~~agencies and school districts for those costs shall be made pursuant~~  
8 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~  
9 ~~2 of the Government Code. If the statewide cost of the claim for~~  
10 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~  
11 ~~reimbursement shall be made from the State Mandates Claims~~  
12 ~~Fund.~~

